

UNITED STATES DISTRICT COURT  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
SOUTHERN DISTRICT OF GEORGIA

2009 FEB 26 AM 11:18  
STATESBORO DIVISION

CLERK *B*  
SO. DIST. OF GA.

UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
DONALD WHITEHEAD ) INDICTMENT NO. CR605-00009-001

**ORDER**

On December 7, 2005, Defendant was sentenced by this Court to 188 months imprisonment following Defendant's plea of guilty to conspiracy to manufacture and to distribute a quantity of cocaine base. On February 9, 2009, the Government filed a Rule 35 motion requesting that the Court reduce Defendant's sentence in response to his "significant" cooperation with the Government.

The Court has reviewed Defendant's case and recalls that he was associated with a significant quantity of cocaine base, and that he was a career offender by virtue of two prior felony convictions involving the possession with intent to distribute illegal drugs. The Court also recalls that Defendant had no reported earnings during the five years preceding his arrest. On the other hand, the Court is mindful of the fact that Defendant received no benefit from the recent retroactive cocaine base guideline amendment because of his career offender status.

The Court agrees that Defendant's cooperation with the Government deserves some recognition, and hereby **GRANTS** the Government's motion. It is ordered that Defendant's sentence is reduced from 188 months to **162 months**.

**SO ORDERED**, this *26* day of February, 2009.

*B. Avant Edenfield*  
B. Avant Edenfield  
United States District Judge  
For the Southern District of Georgia